

Remarks

This is a full and timely response to the Office Action mailed November 23, 2005. Reconsideration in light of the above amendments and the following remarks is courteously requested.

Claims 1 and 3-13 have been amended and claims 2 and 14-16 have been canceled herein, thus claims 1, 3-13 and 17 are currently pending.

Objections to the Specification

The Examiner objected to the abstract because it exceeded 150 words. The abstract has been amended herein to be less than 150 words. Accordingly, it is respectfully submitted that the Examiner's rejection has been overcome.

Claim Rejections Under 35 U.S.C. 102

Claims 1, 3-5, 7, 8, 11 and 12 were rejected under 35 USC 102(e) as being anticipated by Brisebois (US20020143311 A1) (hereinafter "Brisebois '311"). Claim 1 has been amended herein to include the subject matter previously recited in canceled claim 2. Accordingly, it is respectfully submitted that Brisebois '311 fails to anticipate claim 1 as amended herein. Claims 3-5, 7, 8, 11 and 12 depend either directly or indirectly from claim 1 and thus are also allowable for at least the reasons set forth above. Thus, it is respectfully submitted that the Examiner's rejections under 35 USC 102 have been overcome.

Rejections Under 35 U.S.C. 103

Claims 2, 6, 9, 10 and 14-16 were rejected under 35 USC 103(a) as being unpatentable over Brisebois (US5718699) (hereinafter "Brisebois '699").

Claim 1 has been amended herein to include the subject matter previously recited in claim 2. Accordingly, claim 1 will be discussed herein with reference to the Examiner's rejections based on Brisebois '699. Claim 1 has been amended herein to specify that the claimed invention includes, in part, the following structure:

a side flap projecting laterally outward from the absorbent system, extending laterally outward from a proximal edge of the center portion and adapted to be folded over a crotch portion of a user's undergarment in use, the side flap extending laterally outward to an outermost flap distal point, wherein the outermost flap distal point is not substantially laterally outward from the at least one outermost front distal point and the distal end is not substantially laterally outward from the at least one outermost rear distal point, ...

wherein the outermost flap distal point has a distance from the longitudinally-extending centerline that is less than a distance between outermost front distal point and the longitudinally-extending centerline, and the outermost flap distal point has a distance from the longitudinally-extending centerline that is less than a distance between the outermost rear distal point and the longitudinally-extending centerline.

Thus, claim 1 has been amended to specify that the outermost flap distal point is located *closer* to the longitudinally-extending centerline than outermost front distal point and the outermost rear distal point. It is respectfully submitted that a close review of Brisebois '311 and Brisebois '699 reveals that neither reference, either singularly or in combination, render the claimed invention obvious.

In the Office Action the Examiner contends that napkin 100 disclosed in Brisebois '311 constitutes the main body of the claimed invention and the liner 20 disclosed in Brisebois '311 constitutes the side flap of the claimed invention. It is respectfully submitted that such a interpretation of Brisebois '311 is improper since the liner 20 of Brisebois does not project laterally outward from the absorbent system *of the main body* in the manner of the claimed invention. Rather, the liner 20 constitutes a completely separate absorbent structure. Moreover, Brisebois '311 fails to disclose or suggest any flap structure in which the distal point of the flap is closer to the longitudinally-extending centerline of the product than either the outermost front distal point and the outermost rear distal point of the product. Rather, in all embodiments shown in Brisebois '311 the outermost distal point of the flap is located the furthest away from the longitudinally-extending centerline relative to any other structure of the absorbent article.

Amended claim 11 recites that the fluid-permeable cover layer and the liquid-impervious barrier layer each extend continuously across the proximal edge from the main

body to the flap. Since the napkin 100 and liner 20 in Brisebois '311 constitute completely separate structures, it cannot be said that the cover layer and the barrier *extend continuously across the proximal edge from the main body to the flap* in the manner of the claimed invention.

Likewise, it is respectfully submitted that Brisebois '699 fails to teach or suggest the claimed invention according to amended claim 1. Figure 1 of Brisebois '699 shows a sanitary napkin 10 including a secondary liquid containment structure 20. In the embodiment shown Figure 1, the distal ends of the liquid containment structure 22 are located *further away* from the longitudinally-extending centerline of the product than either the outermost front distal point and the outermost rear distal point of the product. Thus, this embodiment clearly fails to teach or suggest the claimed invention.

Also, with respect to claim 11, it is noted that liquid containment structure 20 disclosed in Brisebois '699 is a separate and distinct structure from the sanitary napkin 10. (See col. 4, l. 53 through col. 5, l. 25). Since the napkin 10 and liquid containment structure 22 in Brisebois '699 constitute completely separate structures, it cannot be said that the cover layer and the barrier *extend continuously across the proximal edge from the main body to the flap* in the manner of the claimed invention.

With respect to the embodiment of the sanitary napkin 10 shown in Fig. 2 of Brisebois '699, it is noted that claim 1 recites that the "side flap is structured and arranged to secure said sanitary napkin to said user's undergarment when said flap is folded over said crotch portion of said user's undergarment." It is respectfully submitted that the embodiment of the sanitary napkin 10 shown in Fig. 2 Brisebois '699 fails to disclose a flap that "is structured and arranged to secure said sanitary napkin to said user's undergarment when said flap is folded over said crotch portion of said user's undergarment" in the manner of the claimed invention. In particular it is noted that col. 6, ll. 10-14, of Brisebois '699 states that in the variant shown in Fig. 2 "the liquid-containment structure is significantly reduced in length and no longer provides stabilization activity". In other words, the liquid-containment structure 20 shown in Fig. 2 is *not* "structured and arranged to secure said sanitary napkin to

said user's undergarment when said flap is folded over said crotch portion of said user's undergarment" in the manner of the claimed invention.

In view of the above, it is respectfully submitted that neither Brisebois '311 nor Brisebois '699, either singularly or in combination, render obvious the claimed invention according to amended claim 1. Claims 3-13 depend either directly or indirectly from claim 1 and are thus allowable at least for the reasons set forth above.

Conclusion

For the foregoing reasons, the present application is now clearly in condition for allowance. Accordingly, favorable reconsideration of the amended claims in light of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form for allowance, the Examiner is requested to telephone the undersigned Attorney at the below-listed number. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/PPC-5006-USNP/PJH.

Respectfully submitted,

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